

CITY OF CHICOPEE
CONSERVATION COMMISSION
Minutes of Meeting
October 6, 2021

Pursuant to Mass. General Law Ch. 131, Section 40 and the Chicopee Wetland Ordinance Ch. 272, the Chicopee Conservation Commission held a public hearing on **Wednesday, October 6, 2021** at 6:15 PM in the Chambers Conference Room, City Hall Annex, 4th Floor, 274 Front St., Chicopee, MA 01013

Celeste Donovan opened the meeting at 6:20 PM and announced that the meeting was being recorded.

Conservation Commission attendance:

Member	Present	Absent	Excused
Celeste Donovan	X		
Charles Payne	X		
Sharon Balcom	X		
Meghan Balakier	X		
Richard Valcourt	X		
Brian Nunes			X

Planning/Conservation Staff attendance:

Member	Present	Absent	Excused
Lee Pouliot, Director			X
James Dawson, Development Manager	X		
Nathan Moreau, Associate Planner	X		

Note: Commissioner Donovan instructed the public that the purpose of the Conservation Commission is to deal with proposed work to occur within Resource Areas on the property. In this case Riverfront Area and Wetland Buffer Zones. She also reminded the public that any concerns regarding the Open Meeting Laws are to be addressed with the Planning Board and not the Conservation Commission.

Item 1: (Continued from April 7, 21, May 5, 19, June 2, 16, July 7, August 4, September 1 and 15, 2021) NOI for Chicopee Reservoir Annual Drawdown and Vegetation Management Project. Work will include removal of vegetation within 20' of the reservoir dam and for a five year authorization of the annual drawdown of the reservoir for maintenance purposes. Work will occur within Inland Bank, Bordering Vegetated Wetland, Land Under Waterways and Waterbodies, Riverfront Area and Buffer Zone. Location: Chicopee Memorial State Park – 570 Burnett Rd., Chicopee, MA 01020. Applicant: Sean Gaffney, Massachusetts DCR, 1048 North Rd., Westfield, MA 01085

Notes: Melissa Coady and Steve Sroka from Tighe & Bond presented a project update to the Commission. Ms. Coady explained to the Commission that the Massachusetts Department of Conservation and Recreation was requesting three Certificates of Compliance for past Orders of Condition. Staff noted the Request for Certificates of Compliance were received too late to get on the current meeting agenda but they would be on the Commission's agenda for October 20, 2021. The Certificates are required to close out the past Orders prior to the issuance of the new Order of Conditions. The current project is to include (1) clearing vegetation around the dam for maintenance purposes. No grubbing will occur on the site. (2) Drawdown of the reservoir by five feet over the winter; and (3) maintenance of the dam and beach area made possible by the drawdown. The Applicant has been in contact with Mass. Wildlife however their comments were not available at the time of the meeting. The Commissioners asked several questions about the project. Ms. Coady responded to the questions. She explained that concrete pads would be utilized outside of the wetland areas to store any needed heavy equipment. She also noted that vegetation would be cut by hand and on foot to minimize any disturbance. It was also noted that the reservoir is stocked annually for fishing. Ms. Coady further explained that the reservoir is typically drawn down annually to reduce ice degradation on the dam and to provide beach maintenance. The Applicant requested the Commission continue this agenda item to October 20, 2021.

Motion to continue to October 20, 2021 was made by Charles Payne and seconded by Richard Valcourt. Vote was 5-0 to Continue to October 20, 2021.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan			X	
Charles Payne			X	
Sharon Balcom			X	
Meghan Balakier			X	
Richard Valcourt			X	

Item 2: (New) NOI for the construction of a 53,128 SF building that will serve as the corporate headquarters of the Food Bank of Western Mass. Work will occur in Riverfront area and the 100' wetland buffer zone. Location: East Main St. (Assessor Maps 108 and 131, Parcel 1 of each map.) Applicant: Andrew Moorehouse, The Food Bank of Western Massachusetts, Inc.

Notes: John Furman from VHB, Dave Pickart, Environmental Specialist, and Andrew Crystal from the Food Bank of Western Massachusetts presented to the Commission. The presenters explained the project to the Commission noting its main design aspects. Mr. Furman noted the project would result in approximately 4.2 acres of impervious area on a 16 +/- acre property. Work on the project will occur within the Riverfront Area of Poor Brook and Wetland Buffer Zones and will result in about one acre of disturbance within these areas. Mr. Furman and Mr. Pickart explained that there are stormwater infiltration basins in place from when the CRBP was initially laid out and another is proposed as part of the project design. Staff reviewed the comments from the SPRAC meeting that pertained to the Conservation Commission including proposed work within 25' of a wetland boundary. MassDEP comments included the permeability of the soils in the area and eliminating the proposed infiltration basin and installing infiltration areas under the parking lots. Additionally the Applicant was advised to contact WestMass and obtain a maintenance plan for the infiltration basin across east Main Street to determine if the capacity had changed over the years due to sedimentation.

Numerous Abutters were present to speak on their concerns. Concerns included but were not limited to: (1) the condition of Poor Brook after the project is completed, (2) tree removal, (3) flood control on the property, (4) preservation of wildlife habitat, (5) are there any rare or endangered species on the property, (6) possibility of truck fuel spillage. Mr. Furman explained that the catch basins are designed with hoods to prevent fuel or contaminants from migrating beyond the catch basin and catch basins should be cleaned twice annually.

Due to comments from both the MassDEP and SPRAC that require addressing and the need for further information, the Commission voted to continue the hearing on this agenda item to October 20, 2021 to give the Applicant time to respond.

Motion to continue to October 20, 2021 was made by Richard Valcourt and seconded by Charles Payne. Vote was 5-0 to continue to October 20, 2021.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan			X	
Charles Payne			X	
Sharon Balcom			X	
Meghan Balakier			X	
Richard Valcourt			X	

Item 3: (New) Request for Certificate of Compliance – 19 Old Chicopee Street – NOI 20-007 - In response to an Enforcement Order issued in May of 2020 the Applicant submitted an NOI and was issued an Order of Conditions in February 2021.

Notes: Staff visited the site and determined that the vegetation that was initially cut, resulting in the issuance of an Enforcement Order, had significantly regrown from the stumps. The property owner stated that he had installed Hemlock trees on the slope however, these were not visible due to the regrowth. The Commission discussed the request and decided that they will not issue a Certificate of Compliance until the property owner pays the fines associated with the Enforcement Order. Staff noted that the property owner must file a new NOI if and when he decided to move forward on the deteriorating retaining wall.

Motion to deny the Request for Certificate of Compliance until fines are paid by the property owner was made by Charles Payne and seconded by Meghan Balakier. Vote was 5-0 to deny the request for Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan		X		
Charles Payne		X		
Sharon Balcom		X		
Meghan Balakier		X		
Richard Valcourt		X		

Item 4: (New) Request for Certificate of Compliance – 62 Britton Street – NOI 20-001 - Order of Conditions for work in TE soils was issued in August 2020.

Notes: Staff visited the site and found the erosion control had been removed without permission from the Commission. It appeared that the erosion control straw bales were broken up and discarded on the bank in the front of the property in a manner that inhibits vegetative growth necessary for stabilization. Staff also noted the lawn had not sufficiently established to adequately stabilize the site. Upon receiving the Staff's report the Commission denied the Request for a Certificate of Compliance and is requiring the developer reinstall the erosion control until the site is adequately stabilized and the Commission gives permission for its removal and the discarded straw bales be removed to allow for proper vegetative growth on the front slope along Britton Street.

Motion to deny the request for a Certificate of Compliance was made by Charles Payne and seconded by Sharon Balcom. Vote was 5-0 to deny the Request for a Certificate of Compliance for reasons noted in the notes above.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan		X		
Charles Payne		X		
Sharon Balcom		X		
Meghan Balakier		X		
Richard Valcourt		X		

Item 5: (New) Request for Certificate of Compliance – 125 Walter Street – In response to an Order of Conditions issued in October 2012.

Notes: Staff visited the site and determined that the conditions set forth in the Order of Conditions issued on October 18, 2012 have not been addressed. Staff explained that 476 SF of mitigation was required to be completed on the property in the form of native plants, grasses and shrubs and the plan was to be approved by the Conservation Commission. No plan was ever filed with the Conservation Commission for acceptance nor is there one attached to the Order of Conditions filed at the Hampden County Registry of Deeds. The Commission voted to deny the Request for Certificate of Compliance until the conditions in the Order of Conditions are met.

Motion to deny the Request for Certificate of Compliance was made by Charles Payne and seconded by Richard Valcourt. Vote was 5-0 to deny the Request for Certificate of Compliance for reasons stated in the notes above.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan		X		
Charles Payne		X		
Sharon Balcom		X		
Meghan Balakier		X		
Richard Valcourt		X		

Item 6: Minutes from September 15, 2021

Notes: The Commission noted two amendments to the minutes to be made prior to filing with the City Clerk. Staff will amend the minutes accordingly prior to filing.

Motion to approve the minutes with the noted amendments was made by Meghan Balakier and seconded by Richard Valcourt. Vote was 5-0 to approve with the noted amendments.

*Commissioner Balcom abstained since she was not in attendance for the September 15, 2021 meeting.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom				X*
Meghan Balakier	X			
Richard Valcourt	X			

Item 7: Sign Bills – Staff stated there were no bills to sign.

Item 8: Upcoming Projects/Discussion

- **Enforcement Order - 535 East Main Street** – On September 15, 2021 the Commission denied an extension request for the site restoration and requested the Property Owner and/or Representative be present at the meeting to discuss progress on the Restoration Plan.

Notes: Joseph Rogers of GZA presented an update of the project stating erosion controls were in place, the illegally dumped fill had been removed and the site planted per the approved restoration plan. Mr. Rogers explained that they were not intending on installing the selected barrier at the top of the slope this year in order to allow for possible repairs in the spring if necessary. Mr. Rogers stated that straw bales would be placed at the top of the slope and roof leaders were redirected to prevent runoff from eroding the slope until vegetation is established. The Commission was pleased with the progress. Staff reminded Mr. Rogers that the property owner, Mr. Martins, would still be responsible for paying any accrued fines prior to final acceptance of the project by the Commission. The Commission may negotiate the fine amount if they desire.

- **Enforcement Order - 1269 Memorial Drive**

Notes: Joseph Rogers provided an update on the progress of the restoration work at 1269 Memorial Drive. Staff visited the site and was very pleased with the establishment of the restoration and new fencing and signs that were installed. Staff did notice a small amount of brush had been illegally dumped over the fence. Mr. Rogers noted that the property owner had removed the brush and is working to determine the best way to monitor for future illegal activities i.e. dumping.

Item 9: Adjournment – Next scheduled meeting is October 20, 2021

Motion to adjourn was made by Charles Payne and seconded by Meghan Balakier. Vote was 5-0 to adjourn.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			

Meeting adjourned at 9:30 PM.